

**AREA PLAN COMMISSION OF TIPPECANOE COUNTY
ORDINANCE COMMITTEE MEETING
MINUTES OF PUBLIC MEETING**

DATE.....March 4, 2020
TIME.....4:40PM
PLACE.....COUNTY OFFICE BLDG.
20 N. 3RD STREET
LAFAYETTE, IN 47901

MEMBERS PRESENT

Jackson Bogan
Greg Jones
Carl Griffin
Vicki Pearl
Gary Schroeder
Larry Leverenz

MEMBERS ABSENT

Tom Murtaugh
Jerry Reynolds

STAFF PRESENT

Sallie Fahey
John Burns
Kathy Lind
Chyna Lynch
Zach Williams

ALSO PRESENT

Chad Spitznagle
Steve Clevenger
Debbie Mann
Tim Stevens

Rick Reuss
August Mathisrud
Lisa Dullum
Al Beavers

Chair Larry Leverenz called the meeting to order.

I. APPROVAL OF MINUTES

Carl Griffin said Greg Jones was noted as seconding a motion but was not present at the meeting.

Chyna Lynch said that has been changed in the minutes.

Gary Schroeder moved to approve the minutes from the February 5, 2020 Ordinance Committee meeting. Greg Jones seconded, and the motion passed by unanimous voice vote.

II. NEWSPAPER LEGAL ADVERTISEMENTS:

A brief report on changes staff has implemented based on last month's Ordinance Committee discussion. – Kathy Lind

Kathy Lind said the issues that staff had been having with legal advertisements for public hearing cases were discussed at the previous meeting. A few of the ideas that were suggested have been implemented. Staff has implemented four new strategies. First, the standard rezone filing checklist and the standard BZA checklist now include the names and contact information for staff at the local newspapers that do the legal advertisements. If individuals are having issues, they can contact the newspapers directly. Second, when planners on the desk take in new filings, they make a point to talk with the petitioner about the issues that staff has been having with the newspapers to make them aware. Third, when an email is sent to the newspaper, the petitioner is carbon copied to the email. This has worked well so far. She said the fourth change is that she writes a reminder on her desk calendar to follow up with the newspaper to verify they received the legal advertisement.

Jackson Bogan asked when the petitioner receives notification the advertisement has been sent, is verification of the advertisement the responsibility of the staff or the petitioner.

Kathy Lind said it is not on the petitioner at all. It is staff's responsibility to take the legal ads to the newspaper. She asks the newspaper to respond with a confirmation of receiving the email and the date the ad will be published.

Carl Griffin asked about the timeline of the highlighted portions on the filing checklists. They appear to be on the day of the meeting.

Kathy Lind said that highlighted section was added under the proof of publication because that must be obtained before the case is heard.

Carl Griffin asked if this is done before the day of the meeting.

Kathy Lind said the legal ad must be published ten days before the meeting. The advertisement is sent to the newspaper 21 days before the meeting.

Carl Griffin asked if it would be helpful if the two highlighted sections be moved.

Kathy Lind said there is not much for the petitioner to do except wait for the bill to be sent to them.

Carl Griffin asked if this is the petitioner's checklist.

Kathy Lind said that is correct.

Jackson Bogan asked if this should be on the checklist if it is not the responsibility of the petitioner.

Kathy Lind said it is there just in case. From time to time, staff will get a phone call the day before a meeting from a petitioner in a panic because there is no proof of publication and the newspaper has not contacted them. This gives petitioners a point of contact.

Sallie Fahey said it is the petitioner's responsibility to obtain the proof of publication. This is to help the petitioner if they realize they have not received a bill or proof of publication. They can make their own direct contact with the appropriate person at the newspapers. Staff cannot obtain the proof of publication because petitioners pay the bill.

Larry Leverenz said this is adding layers of checking.

Jackson Bogan said if the petitioner follows this checklist and follows up the day of the meeting, the case will be continued. It should be moved up.

Zach Williams said the highlighted section is just in case the petitioner has not received a bill or proof of publication. The case will have been continued if there is not proof of publication ten days before the meeting. This is ensuring that petitioners have the contact information for the people they would need to speak to.

Kathy Lind said if the legal advertisement has been published, the petitioner can get the proof of publication that day.

III. INTEGRATED CENTER SIGNAGE:

Staff is working on an amendment regarding business signs within integrated centers. – John Burns & Kathy Lind

Kathy Lind said integrated center signs and sign regulations in Tippecanoe County are quite confusing. Since this discussion is on changing the regulations, it is important to understand the current regulations. John Burns will give a brief overview on what signage is allowed.

John Burns presented the sign worksheet from the appendix of the sign ordinance which is used to calculate signs for stand alone businesses. There are three main factors that are taken into consideration when calculating how much signage is allowed. First is the zoning of the property; based on the zoning there is a multiplier. Second is the speed limit of the road that the property has frontage along. The higher the speed limit the higher the multiplier. The third factor is building setback; the bigger the setback, the bigger the multiplier. Adding these three figures, calculates the square footage allowed for signage on both the building and the sign for the typical stand-alone lot.

An integrated center is when there is more than one user in a building that share common facilities like a parking lot. They could have their own door like a strip mall or it could be an enclosed center like the Tippecanoe Mall. When looking at the ordinance for an integrated center sign, the first line speaks on building signage for integrated center users. Each user is allowed 5 square-feet of signage per 1,000 square-feet of floor area with a minimum of 40 square-feet above the door and a maximum of 400 square-feet.

The second part of the ordinance addresses the integrated center sign. That is figured based on zoning, square footage of the area and the speed limit. The integrated center sign requires 25% of the sign to be reserved for the name of the center. That is so people identify the name of the center first and the list of occupants secondarily. The table in the ordinance is used to determine all freestanding signs, what their characteristics are, how big they can be and where they are allowed. For integrated center signs, the only portion of the chart that is applicable is height; they start at 5 feet in the residential zone up to 24 feet in industrial zoning. Sign setback for the integrated center sign is equal to sign height. For example, if a business wanted the maximum sized sign of 24 feet, the sign would sit back 24 feet.

Kathy Lind said the developer of Sagamore Commons contacted staff and Chad Spitznagle at West Lafayette with their concerns about signage. They wanted commercial outlots in an integrated center to be advertise on the integrated center sign. This is currently not allowed, although staff found a few businesses that are advertising on the integrated center that are not allowed to. They only wanted monument signs, not pole signs on the commercial outlots. Staff agrees with them on this. They also wanted a way to determine the size of the integrated center sign not based on the size of the businesses in the integrated center because they want to tell prospective businesses the size of the integrated center sign and what could be expected to have in terms of signage.

Jackson Bogan asked Kathy to clarify why the developers wanted these changes.

Kathy Lind said if a developer proposed an integrated shopping center, without knowing the square footage of the center, the size of the integrated center sign could not be determined because the size of the center determines the size of the sign.

Larry Leverenz asked if the integrated center adds a business, will the size of the sign change.

Kathy Lind said the size will stay the same because the panels are removed and replaced easily. Staff and the cities do not have anything to do with the center signs once they are constructed. The management of shopping center determines which business gets a sign and the size of the sign.

Vicki Pearl said as an example, the Payless shopping center in West Lafayette has an integrated center sign. Staff determines the size of the integrated center sign, not the size of the sign that each individual business will have on the integrated center sign. The management of the center decides for the individual businesses.

Kathy Lind said that is correct. Staff determines how tall the sign can be, the setback and how large it can be overall.

Vicki Pearl asked how this would change what the developers are asking for.

Kathy Lind said currently, only a business within the strip center is allowed on the integrated center sign.

Vicki Pearl said if she is a business one building over, she could not be on that sign.

Kathy Lind said that is correct. If there is a stand-alone business in a commercial outlot, it is not allowed on the integrated center sign because it is not considered part of the integrated center.

Sallie Fahey said Christos in West Lafayette is a good example because it is a stand-alone business on a stand-alone lot. They have their own sign.

Kathy Lind said this will change the definition of integrated center to allow commercial outlots to be part of the integrated center. The worksheet in the ordinance that is used for stand-alone lots would no longer be used. The equation of 5 square-feet of signage per 1,000 square-feet of floor area would be used instead with a minimum of 40 square-feet above the door and a maximum of 400 square-feet. Kathy presented the preliminary layout for Sagamore Commons. She said the developer is planning on creating public streets with one connecting to Cumberland Avenue. The issue staff is having with this is if a business wants to locate to a corner lot, it would have three road frontages. This means it would be allowed three free-standing pole signs which staff does not want to see happen.

The changes to the definition of integrated center are highlighted in yellow. She read the new definition and explained the changes. An integrated center is one or more buildings occupying a named site; meaning an integrated center needs to have a name. The part that requires it be under one ownership or management has been removed because there are quite a few integrated centers that have more than one owner. An integrated center contains a number of individual, unrelated and separately operated uses each with their own outside entrance commonly known as a strip center or completely enclosed such as a retail mall. This portion may be removed because the Tippecanoe Mall does not have an integrated center sign with all the stores listed but would be permitted to do so. The definition goes on to say the building or buildings of an integrated center share common site facilities such as driveway entrances and exits, parking areas, truck loading, maintenance, sewer and water utilities, and similar common facilities and services. A building on a commercial outlot which is physically separated from the other uses in an integrated center by curbs and/or landscaping, and which contains its full requirement of parking, but which shares driveway entrances and exits with other uses is also part of that integrated center. It used to be that it would not be included in the integrated center. Signage for the sole business on a commercial outlot within an integrated center shall be determined using the integrated center signage requirements, which is the 5 square feet of signage or every 1,000 square feet of floor area and shall be permitted one freestanding monument sign per lot in addition to the signage allotment, equal to no more than 25% of the allotted amount of signage. Such businesses may also advertise on an integrated center sign. This is saying that each business gets to advertise on the integrated center sign, have a monument sign and fascia signage.

Jackson Bogan asked if each business would get a pole sign.

Kathy Lind said they would not get a pole sign; just a monument sign.

Vicki Pearl said in this scenario, a monument sign would be allowed on both lots and a sign on the building but no pole sign for the different businesses.

Kathy Lind said there would be an integrated center sign and could advertise on it but that would be the only freestanding sign. All the other signs would be monument signs and fascia signs.

Carl Griffin said when a developer comes to present their project, the Committee will see how many potential retail outlets could be there. It would be based on the potential number that the integrated center sign square footage would be determined.

Kathy Lind said she is proposing that it be based on the acreage of the commercial subdivision rather than the square footage of the building.

Sallie Fahey said she was initially unsure whether it should be based on acreage or number of units. She said she thinks acreage is better because in a commercial subdivision, it is not required that a developer fix all the lots at the beginning of the process. They are entitled to create lots in multiple final plats. In Sagamore Commons, in front of cul-de-sacs and between US 52, the developer has platted five lots. This is reasonably well fixed. Behind that, none of the lots to the west have been fixed. Staff has the beginnings of a proposal for the lot that has a building, but it is unclear how many lots will be in this area. Trying to say that the integrated center signage is based on the number of commercial lots will not be able to be done. That is why Kathy went with acreage. The further complication is that there will not be an integrated center anywhere in this development. It is only a commercial development of individually platted lots. No where in this development will there be a thing like a shopping center. Staff is unsure if integrated center should be amended to include what is traditionally an integrated center with multiple uses one building like a strip center or if a new section of ordinance should be added that talks about signage for commercial subdivision whether they have public streets or not. Staff is not completely settled on this yet because this situation will never have what is considered an integrated center. This has not been an easy issue to figure out what makes sense.

Larry Leverenz asked in the case of the changes that were listed, each of the lots could have a monument sign and a sign on Sagamore Parkway listing all the businesses.

Sallie Fahey said it would not have a monument sign, it would have an integrated center sign.

Kathy Lind said originally, before the assisted living facility was proposed, staff envisioned a big box store or a strip center with outlots going in this area. If that were the situation, there would only be monument signs along the frontage or they could choose to have fascia signs on their buildings facing Sagamore Parkway and keep the monument sign for behind which would be up to the business owner. A big box store would not have a monument sign; they would have a huge fascia sign. This is complicated because if there is no strip center, is it an integrated center? Meijer in West Lafayette has an integrated center along its frontage that is not named but there is an integrated center sign.

Chad Spitznagle said it is called West Lafayette Shops and they have an integrated center sign.

Vicki Pearl said she has never noticed that sign.

Kathy Lind said throughout the process of researching integrated center signs, she found numerous places that she did not think had an integrated center sign that ended up having one.

Vicki Pearl said where her new office is, there is not an integrated center sign and if there is a sign, she has never noticed it.

Kathy Lind asked her where her office is located.

Vicki Pearl said it is located across the street from Meijer in West Lafayette in a strip center.

Sallie Fahey asked if the strip center is named.

Vicki Pearl said if it is, she does not know the name.

Sallie Fahey said it cannot have an integrated center sign without a name.

Kathy Lind said staff has seen ways around that.

Sallie Fahey said if the integrated center is not named then that is a way to get around having freestanding signage on a busy highway a business would not normally get.

Kathy Lind said she does not prefer integrated center signs and does not typically notice them.

Vicki Pearl said most people do not notice them because they are from this area. When people that are not from this area visit, they will use the integrated center signs to navigate around town.

Larry Leverenz said that brings up the question of if this is a traffic hazard. He asked if that plays into this ordinance. If there are five business, its not a big deal, but if there are more it could be an issue.

Kathy Lind said some of business signs on some of the integrated center signs are so small, it is easier to see the signs on the building.

Vicki Pearl said if someone is not familiar with an area and they are trying to find something, they are probably looking at these large signs.

Kathy Lind showed examples of integrated center signs in Tippecanoe County. She said the Pavilions sought variances to have three 30-foot free-standing signs. Each of the three signs have different advertisements. The Pavilions is a case of an integrated center that has integrated centers. In its commercial outlots, there are several buildings that have several businesses. She said when she came up with the acreages, she thought if the area is 5 acres or smaller, they will not get an integrated center sign. There is an integrated center in Lafayette that has a free-standing sign on a 2.5-acre lot. The threshold has been changed so 3 to 15 acre lots can have an integrated center sign but anything under 3 acres can not.

Vicki Pearl said in all the examples the lots are facing a main street. In the plan for Sagamore Commons, these large signs would not be seen from Cumberland unless the lot had frontage.

Kathy Lind said that is correct. This is the first attempt at making these changes. She said she went around town to take pictures of these signs and they are everywhere especially along 350S. This amendment has not been taken to the Administrative Officers.

Tim Stevens, 6925 E 96TH Street, Indianapolis, IN 46250, said he is the manager for Sagamore Commons LLC which is the developer for the project in discussion. This discussion started after speaking with staff about creating an integrated center and getting an integrated center sign. Staff told them they do not have an integrated center and they do not get a sign. In different communities, an integrated center is essentially a business park. The hope was to have a large pylon sign at the front of the development. This would be a win-win because this would eliminate all the of the individual 24-foot tall, 100 square-foot pole signs each of the five outlots would be allowed to have. He said they would prefer to eliminate the forest of pole signs along the highway and have fascia or monument signs for the rest. Staff agreed that it would be a better look, but the ordinance does not allow this. The goal is not to have 500-square feet of pole signs and only have the proposed 200-square feet sign.

He presented pictures of integrated center signs in the Indianapolis Metropolitan area. He said these are indicative of directory signs in this area and are like the signs Kathy presented. They range in height from 16-feet to 30-feet and are ideal for the business park. He said we would like for an integrated center to include the business park rather than a cluster of buildings in single ownership. This would make it easy to identify the 28-acre site is an integrated center and the sign would serve only the businesses along the frontage. No other business along the frontage would get to have a pole sign.

The ordinance currently states that 25% of the overall allotted signage must be the name sign for the integrated center which seems too large. Of the example signs shown, the name sign ranges from 10% to 25% of the overall signage. It is a good idea to name the center because businesses can advertise the general area and people can reference the center.

Carl Griffin said some of the example signs presented do not have names.

Tim Stevens, 6925 E 96TH Street, Indianapolis, IN 46250, said that is correct. There are some directory signs where people sought the large sign but without a name. He presented the drawing of the proposed sign for Sagamore Commons and examples of integrated centers in Lafayette and West Lafayette. Market West does count as an integrated center because of the multiple buildings under one ownership. The goal

is to allow the proposed assisted living center to have a panel on the sign by the highway. It would be advantageous for both parties and helpful for people navigating. The idea is to show where the businesses that are not located on the frontage are located to the traveling public. This has worked well on other projects. He said he and Debbie Mann had been working closely with Kathy and John to work through the complications.

Debbie Mann, 6925 E 96TH Street, Indianapolis, IN 46250, said they want to make sure that the lots in the back that do not have frontage get signage. How it is defined, whether the definition of integrated center be changed or something different created, will affect future developments that want signage along the frontage. For this project, there would be 200 square-feet of panels allowed. 25% of that being used for the name would leave only 150 square-feet for businesses to advertise. She said they understand that the integrated center needs to be named and they want it named. She asked does it need to be 25% of the sign or can it just be included? This would also depend on the height of the sign. Typically, the taller the sign, the more businesses in the center like it. As far as safety issues, the signs that are lower to the ground are harder to see. If the sign is capped at 24-feet, the panels will have to go closer to the ground. If the sign can be taller then the panels can be up higher. There are different definitions used in the ordinance about what can be on the sign, but the goal is have every business that does not have frontage to be on the sign. In return, the outlot users will not be able to have pole signs.

When there is an integrated center sign for a 30,000 square-foot strip mall and the signage on the building is figured out by an equation. If the same equation is used to find the square-foot of signage for a 5,000 square-foot restaurant, will they have enough signage? When thinking about the site for the possible Culvers, they will want signage on the building. She said she did not look at what a Culvers or another business could get or use in terms of signage. When making these amendments, it would be good to ensure the same matrix is not used to figure the signage for a 30,000 square-foot building and a 5,000 square-foot building.

Jackson Bogan asked if that is where the current variance requests comes into play.

Kathy Lind said they could have a variance request but for a 5,000 square-foot building they are guaranteed at least 40 square-feet of signage.

Debbie Mann, 6925 E 96TH Street, Indianapolis, IN 46250, said that would be for the integrated center. If it were a stand alone building, what would they be allowed?

Kathy Lind said if it is a stand-alone business on a commercial outlot, it would get the same.

Chad Spitznagle, 1200 N Salisbury, West Lafayette, IN 47906, said they would receive 140 square-feet of signage.

Debbie Mann, 6925 E 96TH Street, Indianapolis, IN 46250, said retailers are very picky about signage and every retailer wants a corner lot. She asked that the signage on the integrated center not replace the building signage. This will need to be keep in mind when amending the definition of an integrated center. She agrees with leaving the integrated center definition the same and creating something new for areas like Sagamore Commons.

Sallie Fahey said she would for us to get away from calling these outlots because in the subdivision ordinance, an outlot is a not buildable drainage pond or a common facility. The lots being discussed this evening are all commercial lots. When developing the ordinance, they will be called commercial lots because outlots is a real estate term, not a planning term. The other concern is that careful consideration will need to be taken for building signage because it is calculated based on number of road frontages, speed of the road and distance back from the road. The Culvers lot, for example, will have 140 square-feet of building signage which is ridiculous because they are already at the highway and they will be on the integrated center sign. Will they also receive a monument sign? The amount of signage needs to be balanced. Right now, there is more signage to the smaller lots in the front and less signage for the bigger lots in the back which does not make sense. Staff must think about balancing all these things as the

ordinance is written. It is not as simple as it appears on the surface as there are quite a few intricacies to this that require thought.

Larry Leverenz said there are different real estate configurations being developed and created. He asked if we need a new definition for a business park. Strip malls were not always around so when they came about, they were dealt with. He asked if we are at the point where we will see this kind of development more frequently.

Sallie Fahey said we could potentially be at that point.

Jackson Bogan asked if an integrated center with two occupants be named and have an integrated center sign.

Sallie Fahey said that is correct. Someone could have a two-business building, name it, and get an integrated center sign.

Jackson Bogan said maybe staff should consider if an integrated center sign is needed based off the potential size of the development. For instance, everyone knows the Pavilions in Lafayette but, no one knows the integrated center where CoreLife is located because it is so small.

Larry Leverenz said Clay Terrace is an example of a development that almost looks like a town. There is signage on each of the businesses but is there a monument sign?

Sallie Fahey said she is not sure if there is a monument sign. Its unclear if it was all negotiated as a planned development.

Tim Stevens, 6925 E 96TH Street, Indianapolis, IN 46250, said he is familiar with this project. Clay Terrace has a small brick sign at each of their entries. There are large wall signs for the major tenants. For the overall project, it is unusual because the only large sign is for Clay Terrace name sign. That was part of the planned development which was controversial at first. The area was rezoned to allow the large retail center.

Vicki Pearl asked Jackson to clarify his idea about not allowing developments of a certain size to have a name.

Jackson Bogan said by the current rules, an integrated center sign would be allowed with 25% of the sign being used for the name of the center and the names of the two tenants. It seems a like too much. It may be a good idea to look at the size of the development.

Debbie Mann, 6925 E 96TH Street, Indianapolis, IN 46250, said that scenario would probably not happen because an integrated center sign is about \$50,000 to build. Clay Terrace is simply a mall that is not enclosed. In discussions on monument signs and building signs, staff proposed changes based on total signage. For example, if a business is given 75 square-feet of signage, they can use 25 square-feet for a monument sign and the other 50 square-feet for a building sign. She said she agrees with this change because a retailer will take everything they are given. There must be limitations.

An integrated center, by definition, is a strip mall. If this is not called an integrated center or if there is a new definition created in the ordinance, if someone takes one of the outlots and builds a 10,000 square-foot center with 3 tenants, those tenants would still need to be on the center sign. The ordinance should allow those in the center and the individual lots to be on the integrated center sign. Its understandable that not everyone will be able to be on the sign because it is only so big, but bigger users will need to be on it.

Sallie Fahey said she agrees with Debbie. If there is a user that wants this part of the land to build one building with four tenants, staff does not want them to claim that they also get an integrated center sign. This ordinance will have to be written so there are not integrated center signs inside of integrated centers.

Zach Williams said if there are no transfers down the road where it is evaded by splitting the property again to create a second integrated center just by the definition in the statute. This will need to be done and never allowed to be changed regardless of what happens with this property.

Jackson Bogan asked if a new classification is needed.

Sallie Fahey said she thinks that may be cleaner, but it has not been settled with the Administrative Officers. That will be the next big decision in this proposal.

Larry Leverenz asked what the timeline is for this.

Sallie Fahey said there are some parts that staff would like to be resolved quickly because Sagamore Commons has people ready to build as soon as the weather breaks. Staff is concerned that those that have bought the five lots may have a huge amount of signage as a stand-alone lot then requesting to be on the integrated center sign after this amendment is passed.

Greg Jones said he has noticed in the up-scale suburban areas on Florida there are mixed-use areas that are not seen in Indiana. In these areas there are condos, restaurants and office buildings that use the same large center sign.

Sallie Fahey said places like that have varied types of sign ordinances. There are some parts of the country where McDonalds do not have pole signs with modest building signs that do just fine.

Larry Leverenz said there is one other topic of discussion.

Sallie Fahey said before the meeting, Rabita Foley informed her that Dan Rhodes from Duke Energy had contacted her about the tour of the solar farm on the west side of US 231 at Purdue. On April 16th at 1 pm, everyone is invited to their ribbon cutting ceremony. That day would be a great day for a tour because their experts will be here. She said we will ask the Committee what time that day everyone will be available for a tour and Q&A with their experts. Everyone will get a follow up email from Rabita to let her know what time you all will be available. This would be the day after the April APC meeting.

I. CITIZEN COMMENTS

None.

II. ADJOURNMENT

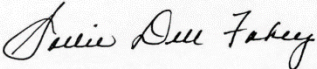
Gary Schroeder moved to adjourn.

The meeting adjourned at 5:50 p.m.

Respectfully Submitted,

Chyna R. Lynch
Recording Secretary

Reviewed By,



Sallie Fahey
Executive Director